

MINUTES
TENNESSEE BOARD OF OSTEOPATHIC EXAMINATION
May 26, 2004

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Cumberland Room located on the Ground Floor of the Cordell Hull State Office Building on May 27, 2004.

Members Present: Jill Robinson, DO, Thomas Ely, DO, Paul Smith, Jr., DO and Rafael Sanchez, DO

Members Absent: Donald H. Polk, DO and Andy Chagaris

Staff Present: Rosemarie Otto, Medical Board Director, Ms. Sheila Bush, Administrator, Ms. Marsha Arnold, Manager, Robert Kraemer, Advisory Attorney, Jerry Kosten, Rules Coordinator, Lisa Tittle, Administrative Director and Lea Phelps, Disciplinary Coordinator

The Board convened at 9:12 a.m., with the President, Dr. Ely, presiding. He determined that a quorum of members was present in order to conduct Board business.

Dr. Ely welcomed Dr. Rafael Sanchez as the new board member.

Ratify Minutes of Previous Meeting

Dr. Smith made a motion to approve the minutes from the March 30, 2004 meeting. Dr. Robinson seconded the motion. Motion carried.

Disciplinary Report

The Board reviewed the disciplinary report submitted by Ms. Lea Phelps, Disciplinary Coordinator. Ms. Phelps informed the board that there are 2 licensees on probation that she monitors.

Managers Report

Ms. Marsha Arnold, Administrative Manager for the Medical Board read her report to the Board. Ms. Arnold informed the board that there are 636 active licensees in the State of Tennessee with 387 licensees with a Tennessee address. There are 24 licensed Midwives and 14 X-Ray Operators.

Investigative Report

The Board reviewed the investigative report submitted by Ms. Lea Phelps, Disciplinary Coordinator of the Office of Investigations. Ms. Phelps informed the Board that there are 16 cases currently under investigations.

Office of General Counsel Report

Mr. Kraemer read his report to the Board and reported that there were four rules at the Attorney General's Office and that there are seven open disciplinary cases in the Office of General Counsel. Mr. Kraemer also informed the Board of Public Chapters 532, 575 and 579.

Financial Report

Ms. Lisa Tittle presented to the Board a draft copy of the financial statement for the 2004 fiscal year. The Board will be closing the 2004 fiscal year with a surplus. Ms. Tittle noted the fee change in December, 2002 aided in the decline of the deficit. However, with the redesign of the RBS system and projected extra cost of the Controlled Substance Monitoring project the deficit margin would start to increase again if a revenue increase wasn't made. There was concern that if the Board showed a deficit for two consecutive years that the Board would be sunsetted. Mr. Gary Zelzer, Legislative Liason for the department, was recognized by Dr. Ely. Mr. Zelzer informed them that the legislation to sunset boards after two year deficit did not pass. After discussion, Dr. Robinson made a motion to authorize a rulemaking hearing to increase the renewal fee from \$275.00 to \$375.00 bi-annually. Dr. Sanchez seconded the motion. Motion carried. Dr. Robinson made mention that the increase would be a cost to licensees of \$4.17 per month.

Rulemaking Hearing

Mr. Jerry Kosten, Rules Coordinator, reported to the Board the medical records rule from the rulemaking hearing that was held on May 17, 2004. UT Medical Group, Inc. submitted a request for changes to the rule. After discussion, Dr. Robinson made a motion to accept the amended rule with the change from "only one (1) office patient encounter" to "no fewer than two (2) office patient encounters". Dr. Sanchez seconded the motion. Motion carried. A roll call vote was taken and confirmed.

Mr. Kosten informed the Board that the Board has been extended through June 30, 2008. Mr. Kosten also informed the Board of other legislation that had passed that would be of interest: PC 572 that includes subspecialist in the J-1 waiver program and limits the number of specialists placed in urban health professional shortage areas; PC 678 concerning written and electronic prescription; and PC 715 that establishes requirements for the billing of lab services.

General Discussion

Ms. Rosemary Otto, Executive Director, presented Public Chapter 575 to the Board. Public Chapter 575 will allow the consultant to sign as independent reviewer. After discussion, Dr. Smith made a motion to accept Public Chapter 575. Dr. Robinson seconded the motion. Motion carried.

Ms. Otto also discussed the new disciplinary guidelines that Ms. Robbie Bell, Director of Health Related Boards, developed in response to the audit findings. The new guidelines will help all boards be more uniformed. Mr. Kraemer informed the Board that they already had disciplinary

guidelines in place and the new one presented today will replace the old guidelines. After discussion, Dr. Robinson made a motion to replace the former disciplinary guidelines with the new guidelines presented. Dr. Smith seconded the motion. Motion carried.

Ms. Arnold explained to the Board about Public Chapter 872 which encourages physicians to actively educate their patients regarding gynecological cancers and the importance of early detection.

Dr. Ely reported on the Federation meeting and that Dr. McCord was elected vice chair. He went on to inform the Board that effective in the 2006 calendar year, the Federation will no longer have a vice chair position. Dr. Ely was appointed to the program committee.

Dr. Ely also reported that Dr. John Florish passed on May 20, 2004 and will ask the association office to send a letter of regards. Dr. Florish was the past president of the Osteopathic Association. The Board also held a moment of silence in remembrance of Dr. Florish.

Dr. Ely asked Mr. Kraemer about legislation concerning the concerning the criminal background check on all practitioners. Mr. Kraemer stated that the bill died in legislation, but that the department is considering under the present statute to require a criminal background check of new licensees.

Declaratory Order

Mr. Kraemer explained there had been a request for a Declaratory Order made by a licensee. The Order was withdrawn requiring the action to go through proper channels.

File Review of New Licenses and Reinstatements

Dr. Catherine Anne Christianson and Dr. Timothy Eugene Laseter files were presented to the Board for review. Dr. Christianson file was approved and Dr. Laseter's filed was approved pending results from the Federation of State Medical Boards Clearance. Dr. Sanchez made a motion to accept the file approvals. Dr. Smith seconded the motion. Motion carried.

Ratification of New Licenses, Reinstatement and Fail to renew

Dr. Sanchez made a motion to ratify new osteopathic physician licenses, reinstatements, volunteer retirements and failed to renew licensees. Dr. Smith seconded the motion. Motion carried.

There were no licenses to be ratified for Midwifery.

Noteworthy

The Board requested that the statistics of the number of licensees that have a Tennessee mailing address and the processing time for renewals keyed on the Internet be put in the noteworthy section of the Board's internet page.

Dr. Smith made a motion to adjourn at 11:10 a.m. Dr. Sanchez seconded the motion. Motion carried.

Donald H. Polk, D.O.
Secretary

SB/G3015094/BOEmin